IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 930 OF 2004

Office notes, office Memoranda of Coram, appearances, Court's orders or directions & Registrar's orders	Court's or Judge's Orders

Shri S.S.Pednekar, A.P.P. for the State.

CORAM: R.S.Mohite, J.
DATE : 13th January, 2006.

P.C.:

1. This is an appeal filed by the State impugning a judgment and order passed by the Special Judge, Gadhinglaj on 14.05.2004 acquitting the accused for the offences punishable under sections 3(1)(v) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under section 506 of the Indian Penal Code. On perusal of the impugned judgment and order, it is evident that the same has been passed for cogent and acceptable reasons.

The Complainant- Vithabai made out a case that agreement for sale was entered into between her husband and father of accused in respect of 1 acre and 11 gunthas of land and 15 gunthas out of that land was retained. The Trial Court has observed that story of the prosecution given by Vithabai is contrary to the notice issued by the Complainant to the accused dated 17.03.2003 which was produced on record at Ex.25. In the notice, the Complainant had made out a case of mortgaging of the land in question and made a demand for redeeming the said land. 7/12 extracts indicates that the accused is cultivating the entire land. The Trial Court has held that in the circumstances, there was no wrongful dispossession.

2. In the circumstances, view taken is a possible view. Therefore, leave is refused and consequently, the appeal stands dismissed.

(R.S.Mohite, J.)